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Attorneys for Defendant Robata Grill and Sushi,  
Limited Partnership

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

RICHARD SKAFF

Plaintiff,

v.

SHELTER POINT EQUITIES, LTD;  
ROBATA GRILL AND SUSHI LIMITED  
PARTNERSHIP; and DOES 1 -20,  
inclusive,

Defendants.

No. C08-01384 - EMC

**DECLINATION TO PROCEED  
BEFORE A MAGISTRATE JUDGE  
AND REQUEST FOR REASSIGNMENT  
TO A UNITED STATES DISTRICT  
JUDGE**

REQUEST FOR REASSINGMENT TO A UNITED STATES DISTRICT JUDGE

The undersigned party hereby declines to consent to the assignment of this case to a  
United States Magistrate Judge for trial and disposition and hereby requests the reassignment of  
this case to a United States District Judge.

Dated: May 9, 2008

LIPPENBERGER, THOMPSON, WELCH  
SOROKO & GILBERT LLP

By

  
Carl Lippenberger

Attorneys for Defendant Robata Grill and Sushi,  
Limited Partnership

**PROOF OF SERVICE BY MAIL**

I, Nessa West, declare:

I am employed in the County of Marin; my business address is 201 Tamal Vista Boulevard, Corte Madera, California 94925. I am over the age of 18 years and not a party to the foregoing action. On the date set forth below, I served the attached documents:

**DECLINATION TO PROCEED BEFORE A MAGISTRATE  
JUDGE AND REQUEST FOR REASSIGNMENT TO A  
UNITED STATES DISTRICT JUDGE**

  X   (by United States Mail) on all parties in said action, in accordance with Code of Civil Procedure Section 1013, by placing a true copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth below. At Lippenberger, Thompson, Welch, Soroko & Gilbert LLP, mail placed in that designated area is given the correct amount of postage and is deposited that same day, in the ordinary course of business, in a United States mailbox in the City of Corte Madera, County of Marin, California.

       (by facsimile delivery) by personally delivering a true copy thereof to the person and at the fax number set forth below.

       (by Overnight Delivery) by depositing a true copy thereof in a sealed packet for overnight mail delivery, with charges thereon fully prepaid, in an Overnight Delivery Express collection box, at Corte Madera, California, and addressed as set forth below.

Sidney J. Cohen  
Sidney J. Cohen Professional Corp  
427 Grand Avenue  
Oakland, CA 94610

Peter Flaxman, Esq.  
Attorney at Law  
591 Redwood Highway, #2275  
Mill Valley, CA 94941

I declare under penalty of perjury and the laws of the United States that the foregoing is true and correct. Executed May 9, 2008, at Corte Madera, California.

  
\_\_\_\_\_  
Nessa West